

REMARKS

Claims 1-6 are amended. Claims 7-24 are added. Claims 1-23 are pending in the present application. Claims 7-23 are supported by the specification and claims as originally filed. Claims 7-9 are supported by original claim 5. Claims 10-14 are supported by original claim 1. Claims 18-23 are supported by the specification at page 2, lines 28-31 (describing holding and cooling conditions which are preferred to effect starch retrogradation) and page 2, lines 22-23 (describing the water content of 32% for the raw material mixture). Claim 24 is supported by original claim 1. Claims 1 and 3-6 have been amended to clarify what is being treated, e.g., cooled, and to delete reference to an "alpha-amylase." Claim 2 is amended to reference claim 1, instead of the "preceding claim" for uniformity with the presented claims.

Application Data Sheet: The Examiner indicates that Applicant has not complied with 37 C.F.R. 1.63© because the oath, declaration or application data sheet does not acknowledge the filing of any foreign application. Applicants respectfully submit that the Application Data Sheet, submitted on February 20, 2004 and received by the USPTO, contains this information at page 3.

Danish Priority Documents: The Examiner indicates that the Danish priority documents were not submitted. Certified copies of the priority documents have been ordered and will be submitted.

Oath or Declaration: The Examiner indicates that the oath or declaration is defective because it does not identify the city and state or foreign country of residence of each inventor. This information was provided with the Application Data Sheet, submitted on February 20, 2004 and received by the USPTO. Thus, the oath or declaration is not defective.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

I. The Objection to Claims 4 and 5

Claims 4 and 5 are objected to as being improper multiple dependent claims. This objection is rendered moot by the amendments to these claims.

II. The Rejection of Claims 1-3 and 6 under 35 U.S.C. 112

Claims 1-3 and 6 are rejected under 35 U.S.C. 112, as indefinite. The Examiner states that in many of the steps it is unclear what is, e.g., being heated and what some of the compositions, e.g., the "mixture" contains.

Applicants respectfully disagree. It is clear that the starch, in various forms, is being treated in each step. However, to further expedite prosecution, Applicants have amended the claims to clarify what is being treated in each step.

Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

III. The Rejection of Claims 1-2 and 6 under 35 U.S.C. 102(b) (Maselli et al.)

Claims 1-2 and 6 are rejected under 35 U.S.C. 102(b) as anticipated by Maselli et al. The Examiner contends that in addition to the other steps recited in the claims, Maselli et al. inherently teaches retrogradation of the starch. This rejection is respectfully traversed.

The present invention is based on the use of an enzyme to accelerate starch retrogradation. Retrogradation, as recited in the claims, results from the steps of cooling and holding. The specification recommends cooling and holding at 15-30°C (p 2, line 22) and a water content below 32 % (p 2, line 13).

Maselli et al. discloses a process of preparing breakfast cereals using an alpha-amylase. Maselli et al. does not teach a process involving the use of either a maltogenic alpha-amylase or a microbial pullulanase. Applicants submit that the claims overcome this rejection under 35 U.S.C. 102. Applicants respectfully request reconsideration and withdrawal of the rejection.

IV. The Rejection of Claim 3 under 35 U.S.C. 103(a)

Claim 3 is rejected under 35 U.S.C. 103(a) as obvious over Maselli et al. The Examiner states that although Maselli et al. do not teach forming pellets it would have been obvious to form such desired shape as a matter of routine design choice.

This rejection is respectfully traversed. Maselli et al. discloses a process of preparing breakfast cereals using an alpha-amylase. Maselli et al. does not teach a process involving the use of either a maltogenic alpha-amylase or a microbial pullulanase.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 103. Applicants respectfully request reconsideration and withdrawal of the rejection.

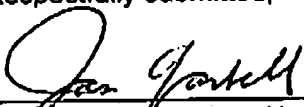
V. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to

contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

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